

The House Committee on Governmental Affairs offers the following substitute to SB 217:

A BILL TO BE ENTITLED
AN ACT

To amend Title 44 of the Official Code of Georgia Annotated, relating to property, so as to prohibit covenants which prohibit xeriscaping by providing that yards in a subdivision be planted with certain types of grass or other shrubs, trees, or bushes; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by adding a new paragraph (5) to subsection (d) of Code Section 44-5-60, relating to covenants running with the land, to read as follows:

"(5) Notwithstanding any other provision of this Code section, no covenant that requires the use of specified grasses or other shrubs, trees, or bushes shall be enforced in this state unless the covenant provides for the use of xeriscaping principles to reduce the amount of water necessary to maintain the landscape. Xeriscaping refers to landscaping in ways that do not require supplemental irrigation. Plants whose natural requirements are appropriate to the local climate are emphasized, and care is taken to avoid losing water to evaporation and runoff. Prohibiting xeriscaping is declared to be against the public policy of this state."

SECTION 2.

This Act shall become effective on July 1, 2008, and shall be applied to all landscape installations on or after that date.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.